

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,  
et al.,**

**Plaintiffs and  
Counterclaim Defendants,**

**v.**

**PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and  
Counterclaim Plaintiffs.**

**Case No. 4:16-cv-02163**

**DECLARATION OF JARED GOODMAN**

Pursuant to 28 U.S.C. § 1746, I, Jared Goodman, declare the following to be true and correct to the best of my knowledge and belief:

1. I am counsel for Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, "Plaintiffs"). I make this declaration based upon my personal knowledge.

2. On October 29, 2018, I attended the duly noticed deposition of Counterclaim Defendant Connie Braun Casey ("Casey"), taken by my co-counsel, Martina Bernstein. During the examination, we learned that Casey had yet to produce numerous documents responsive to Plaintiffs' February 23, 2018, discovery requests. [ECF #123-3.] Attached hereto as Exhibit A is a true and correct copy of the relevant pages of the transcript of Casey's deposition.

3. On November 15 at noon, my co-counsel Martina Bernstein and I conferred by telephone with Casey's counsel Victor Essen about outstanding discovery and the resumption of Casey's deposition. In response to our request for a date for the deposition, Mr. Essen stated that

he would wait to provide a date for the deposition until after the outstanding discovery had been produced.

4. Subsequently, Casey produced, among other things, approximately 100 pages of emails and 250 photographs, on or about December 5, and approximately 300 pages of emails, on or about December 19, in addition to other documents.

5. On December 19 at 1:00 p.m., after Casey had produced over seven hundred pages of documents, my co-counsel Martina Bernstein and I again conferred by telephone with Casey's counsel Victor Essen about the resumption of Casey's deposition. We again requested a date for Casey's follow-up deposition about the matters as to which Plaintiffs lacked an opportunity to depose her previously. Mr. Essen again refused to provide a date—unless we agreed to limit the deposition to just one hour.

6. While we agreed with Mr. Essen that the deposition would be strictly limited to documents that had not been produced before October 29, we explained that we could not commit to concluding the deposition in only one hour, given the extent and material nature of Casey's belated production. Mr. Essen re-iterated that he would only agree to a follow-up deposition if we would agree to limit it to one hour.

I declare under the penalty of perjury that the foregoing is true and correct.

January 2, 2019

Los Angeles, CA

/s/ Jared Goodman  
Jared Goodman

# Exhibit A

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
  
MISSOURI PRIMATE FOUNDATION, et al.,  
Plaintiff,  
  
vs. Case No.  
PEOPLE FOR THE ETHICAL TREATMENT 4:16-cv-02163-CDP  
OF ANIMALS, INC., et al.,  
Defendant.

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Videotaped Deposition of CONNIE BRAUN CASEY,  
taken on behalf of the Defendant, at the offices of  
Rynearson, Suess, Schnurbusch & Champion, LLC, 500  
N. Broadway, Suite 1550, in the City of St. Louis,  
State of Missouri, on the 29th day of October, 2018,  
before Kristine A. Toennies, RMR, CRR, CRC, CCR  
(MO), CSR (IL & IA), and Notary Public.

JOB No. 3027726  
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1           A     My records are kept in my USDA folder.

2           Q     You have a USDA folder?

3           A     Uh-huh.

4           Q     Other than your USDA folder, do you keep any  
5 other records anywhere, photographs, videos,  
6 e-mails?

7           A     My phone, maybe a camera, but I haven't used  
8 my camera for years.

9           Q     Is that the smart phone that you're  
10 referring to? Do you receive e-mails on that phone?

11          A     Yes, I can.

12          Q     So do you receive e-mails relating to the  
13 chimpanzees at your phone?

14          A     I -- very seldom do I have e-mails relating  
15 to the chimpanzees.

16          Q     But you do receive e-mails relating to the  
17 chimpanzees at your phone?

18          A     I've had this phone about a year, so yeah.

19          Q     And before then did you have a different  
20 phone?

21          A     Yes.

22          Q     And you got e-mails on that phone?

23          A     No.

24          Q     Who is taking care of the chimpanzees today?

25          A     Actually, my daughter is there and Tonia is

1           A     Just what I could pull up on my records.

2           Q     Right. Did you produce all of those to us?

3           A     No.

4           Q     You have others?

5           A     No, I don't think I have them.

6           Q     Did you look?

7           A     Yes, I've looked.

8           Q     Where did you look?

9           A     In my -- in my book where I've kind of kept  
10 stuff down.

11          Q     The folder, is that the folder that -- the  
12 USDA folder that you --

13          A     No.

14          Q     Oh, you have a separate book?

15          A     Not really. It's just I jotted stuff down  
16 on some papers. I don't know where they're at.

17          Q     The notebook that you brought with you  
18 today, what's in there?

19          A     This is my enrichment.

20          Q     Your enrichment what?

21          A     Enrichment for the chimps.

22          Q     Was all of that produced? Did you give that  
23 to your attorneys to produce to us?

24          A     The original book was -- you've got the  
25 original book. This was the new one, and it was up

1 here, but I don't know that it got printed up.

2 Q What do you mean the new one? What are the  
3 dates?

4 A The date on this one starts January 2017.

5 Q And why did you not provide that?

6 A It got changed as the attorneys changed.  
7 The one I had -- because I write in this stuff every  
8 week.

9 Q Right. The question is why was that not  
10 produced to us? Did you not give that to your  
11 attorneys?

12 A At one point it was up here, and then I  
13 brought this one up today because --

14 Q What is the this one? What are you holding  
15 in your hands? What is that?

16 A My little note --

17 Q Your calendar?

18 A Yeah.

19 Q You did not provide that to your attorneys  
20 either?

21 A I didn't this one because --

22 Q You did not?

23 A I was keeping this one updated. This one  
24 here I think was up here for a while, but it might  
25 not have gotten printed up.

1 and they did X-rays, and it showed that she had a  
2 lot of fluid built up.

3 Q When did Kimmy start to have lesions on her  
4 foot?

5 A She had previously a couple years ago had  
6 injured her foot, and she was treated then, and she  
7 had -- I'm trying to think. It was probably six  
8 weeks -- I don't know if I've got it in here or not.  
9 We were treating her for a foot injury where the  
10 skin was pulled off, but Kimmy was a picker, so  
11 every time it would start to heal, she would peel  
12 the skin back off again. And we first started  
13 treating her for her foot on August the -- it looks  
14 like the 14th.

15 Q 2018?

16 A Yes.

17 Q You're referring to a calendar that you  
18 have?

19 A Yes.

20 Q Did you keep a calendar like this for the  
21 previous year?

22 A Yeah, but sometimes I don't write everything  
23 down.

24 Q Right, but you kept a calendar like this,  
25 similar to this for the previous year?



1           A     Uh-huh.

2           Q     Yes?

3           A     Yes, ma'am.

4           Q     Where is that calendar?

5           A     I don't know.

6           Q     Do you have it?

7           A     I don't know.

8           Q     Did you look for it?

9           A     I looked through my records and I didn't see  
10       the calendar.

11          Q     Did you throw it out?   Do you recall what  
12       happened to it?

13          A     I don't know.

14          Q     Is there a reason why we weren't provided  
15       copies of this calendar that you're having in front  
16       of you?

17          A     I guess it just -- because I write in it  
18       every day, and so I guess there just wasn't -- it  
19       wasn't up here to get it printed.

20          Q     So you say Kimmy was a picker.   For how long  
21       was she a picker?

22          A     Kimmy has been a picker all of her -- I got  
23       her in 1986, and she was 30-something years old when  
24       I got her, and she's always -- if she had a little  
25       spot, she would pick at it.

1           Q    No, any e-mails that you might have sent or  
2   received via the Connie2Me@aol.com account, you did  
3   not search?

4           A    No.

5           Q    The ConnieBraunCasey@gmail.com account, did  
6   you search that for communications that may be  
7   required to be produced in this case?

8           A    Yes, I have.

9           Q    When did you do that search?

10          A    I -- I look on my Gmail account at least  
11   every other day.

12          Q    When did you search for your past e-mails to  
13   determine whether there were communications that  
14   needed to be produced?

15          A    The only e-mails I have on there basically  
16   is from my attorneys.

17          Q    When did you search --

18          A    When did I?  Okay.

19          Q    I have to finish.  When did you search for  
20   your past e-mails to determine whether there were  
21   communications that needed to be produced?

22          A    Probably two weeks ago.

23          Q    When you searched, did you find the e-mail  
24   where your lawyers, your previous lawyers sent you  
25   that statement that we --

1 A Yes.

2 Q -- discussed? And did you find it?

3 A Yes.

4 Q So you have an e-mail where your attorneys  
5 attached the statement that they forwarded to the  
6 press?

7 A Yes.

8 Q Why was the statement not produced to us?

9 A I don't know. I figured you probably had  
10 it.

11 Q You figured?

12 A Uh-huh, yeah. I mean, it was put in here  
13 and edited.

14 Q Right, but the unedited statement, where  
15 would we have gotten it? Did you provide it to your  
16 lawyers?

17 A No.

18 Q The ConnieBraunCasey@gmail.com account, did  
19 you use it at any time to communicate with  
20 Dr. Pernikoff at any time?

21 A Yes.

22 Q Why were your e-mail communications to  
23 Dr. Pernikoff not produced?

24 A I don't know.

25 Q The ConnieBraunCasey@gmail.com account, did

1 you use it at any time to communicate with  
2 representatives of the DeYoung Zoo?

3 A I don't think so.

4 Q But you're not sure?

5 A I'm not a hundred percent sure.

6 Q And you did not review your e-mail  
7 account --

8 A I did review --

9 Q I need to finish. You did not review your  
10 e-mail account to find out whether or not you had  
11 e-mail communications to representatives from the  
12 DeYoung Zoo; is that right?

13 A I reviewed my e-mail account a couple weeks  
14 ago, and I did not see anything in there to DeYoung  
15 Zoo.

16 Q How far back did you review your e-mails?

17 A As far back as my phone would let me go.

18 Q How far back does your phone let you go?

19 A I don't know. It goes back so -- probably  
20 five months until you -- it quits working.

21 Q So you have access to about five months of  
22 e-mails? And what happened to the previous e-mails?

23 A I don't know. I guess I have to -- I  
24 probably have to go log on to somebody's computer to  
25 pull stuff out.

1           A     No, I have not.

2           Q     Okay. Do you have photographs or videos of  
3 any of the chimpanzees?

4           A     Do I?

5           Q     Yes.

6           A     Well, of course.

7           Q     How many?

8           A     Thousands probably over the years.

9           Q     Where are they stored?

10          A     Where? Hell, I've got tons of 8-track  
11 videos and tons of pictures.

12          Q     And where are they kept?

13          A     Some of them is printed out; some of them is  
14 not. Some of them is in my camera that I don't even  
15 know where it's at. Some of them is in my phone.

16          Q     You didn't produce any of those?

17          A     You have a bunch of pictures that I sent.

18          Q     Oh, we do?

19          A     Yes, you do. They're -- well, I seen them  
20 somewhere that they were turned over to you, I think  
21 probably either with Reeg or with Dan or Mr. Clark.

22          Q     Did you give your lawyers all the  
23 photographs you have in your camera?

24          A     I don't even know where my camera is. I  
25 haven't used my camera for years.

1 Q Did you search for your camera?

2 A Yes, I have.

3 Q You don't know where you kept your camera?

4 A No, I don't.

5 Q You can't find your camera?

6 A I haven't -- no, I don't know where it's at.

7 Q How hard did you look?

8 A Hard enough.

9 Q So you have pictures on your camera, but you  
10 have no idea where your camera is; is that right?

11 A I haven't used my camera for probably four  
12 years.

13 Q Right, the question is you have pictures on  
14 your camera, but you do not know where your camera  
15 is located?

16 A Unsure.

17 Q You don't know where your camera is located?

18 A No, I don't.

19 Q Okay. You have 8-track videos, but you have  
20 not produced those, have you?

21 A No. I probably have 500 8-track things  
22 because I've been doing chimps for over 50 years.

23 Q Right. You have not produced those?

24 A No. Why should I produce something 50 --  
25 hell, I don't even have an 8-track to watch them

1 anymore.

2 Q You did not produce them is the question?

3 A No.

4 Q And you mentioned tons of pictures. Did you  
5 give those -- did you give all the pictures to your  
6 attorneys --

7 A No.

8 Q -- to make copies to produce those?

9 A No. But you know, how do you -- how do I  
10 produce pictures that's been taken over 50 years?

11 Q Do you know what APHIS Form 7002 is?

12 A I would have to look at the number.

13 Q Do you know that we requested it  
14 specifically?

15 A It's in here somewhere.

16 Q Right. You're aware we requested certain  
17 forms?

18 A Yes.

19 Q And what happened to those? Why did we not  
20 get those?

21 A You got them. As far as I know, you got  
22 them.

23 Q For the last three years dated 2018, 2017  
24 and 2016? Do you have those for 2018, 2017 --

25 A Let me see what the file looks like.

1 this building.

2 Q Is that the plan?

3 A That's the plan.

4 Q Okay. Is there a reason you didn't do it  
5 earlier? Do you have to think about that?

6 A You know what I have to think about? This  
7 is so dam stressful. I love these animals with all  
8 my heart, and I would like to tell you to go to hell  
9 right now, but I won't. And I apologize for even  
10 thinking I want to tell you that because I am not  
11 that kind of person, but I am so stressed out, and I  
12 love these chimps with all my heart, and you guys  
13 are driving me crazy.

14 Q Do you need to take a minute?

15 MS. BERNSTEIN: Let's go off the record.

16 THE WITNESS: I need you guys just to  
17 disappear and leave me and my chimps alone.

18 MS. CHAMPION: All right, Connie, let me  
19 make a record real quick while you're taking a  
20 minute. If you want to leave, make sure you take  
21 your video thing off or audio thing off.

22 Victor brought in some documents a while ago  
23 that we have for you, so I'm going to make a record  
24 on providing you with these so you have them.

25 Okay, so we have USDA records that were



1 provided to Connie and to --

2 MS. BERNSTEIN: Well, this is not the time  
3 to throw them across the table.

4 MS. CHAMPION: Well, I don't mean to throw  
5 them across the table. I'm trying to hand them to  
6 you, and you sat and looked at me and didn't take  
7 them.

8 MS. BERNSTEIN: No, just put them aside for  
9 now and make your record as to what you are going to  
10 be producing.

11 MS. CHAMPION: Okay. And then we'll  
12 supplement these too, but I didn't want you not to  
13 have them today because these are the ones we just  
14 received in the e-mail.

15 And then secondly, I don't know what this  
16 is, but it's a document that she's provided that has  
17 notes on it from Mitchell's, Jim Devereux.

18 THE WITNESS: Oh, that's -- that ain't  
19 nothing.

20 MS. CHAMPION: Let's give it to them anyway  
21 because it came in with some other things.

22 Then we've got copies of the calendar that  
23 she brought with her today which weren't previously  
24 provided from January 2017, and we have -- what's  
25 this? Your purple notebook? Is that the purple

1 head give you the complete list.

2 MS. CHAMPION: Okay.

3 MS. BERNSTEIN: I will just refer you to  
4 e-mails I sent repeatedly asking for those things.

5 MS. CHAMPION: Okay. I'll look at that  
6 again, but I think we've answered since then as to  
7 what we have.

8 Anyway, my point is simply this. I  
9 understand that you still need e-mails and photos,  
10 and to the extent that there are follow-up regarding  
11 the things that are going to be subsequently  
12 provided to you, assuming that there are these  
13 things, obviously you'll need to do your follow-up  
14 on those, but we would object to anything that goes  
15 beyond anything you haven't already seen. And I  
16 understand as well that you've asked her certain  
17 questions about some of the records we've produced,  
18 so you had a chance to look at some of it.

19 MS. BERNSTEIN: No, no. What I asked were  
20 about documents that were previously produced that  
21 were re-produced today.

22 MS. CHAMPION: Yeah, I think most of what  
23 we've produced to you today was re-produced.

24 MR. GOODMAN: No.

25 MS. BERNSTEIN: No.

1 that we haven't gotten obviously. We didn't even  
2 get any time for Dr. Pernikoff's deposition, which  
3 apparently now is becoming critical because there's  
4 completely different testimony about certain things,  
5 so we would appreciate to get those records and to  
6 have a date when we can resume for purposes of  
7 including all the stuff that should have been  
8 produced that was not. Other than that, I'm  
9 suspending the deposition at this point.

10 MS. CHAMPION: Sounds good.

11 MS. BERNSTEIN: Reserving all the rights.

12 MS. CHAMPION: And we would also reserve our  
13 right to object, but we'll talk about that further.

14 MS. BERNSTEIN: Of course. We're off the  
15 record.

16 THE VIDEOGRAPHER: We're going off the  
17 record. This concludes today's testimony given by  
18 Connie Braun Casey. The time is 5:42.

19 (Deposition adjourned.)  
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